

Federal Courts  
Southern District of Texas  
ENTERED

IN THE UNITED STATES DISTRICT COURT MAR 10 2006  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Michael N. Milby, Clerk of Court

BOBBY GOODEN §  
TDCJ-ID NO. 660227, §  
Plaintiff, §  
v. § CIVIL ACTION NO. H-05-1842  
§  
MARK W. STILES, §  
Defendant. §

ORDER

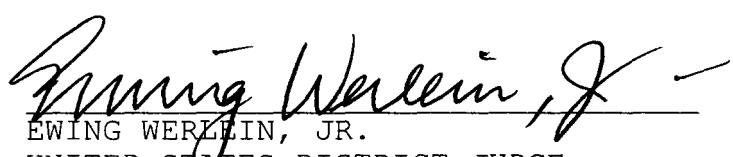
On May 23, 2005, plaintiff filed a complaint alleging violations of his civil rights under 42 U.S.C. § 1983. Plaintiff, however, failed to respond to the Court's Notice of Deficient Pleading and the Court's Order for More Definite Statement. Consequently, on August 27, 2005, the Court entered an order dismissing plaintiff's civil rights complaint without prejudice for want of prosecution. On February 2, 2006, plaintiff filed an application to proceed *in forma pauperis* (Docket Entry No.5), which the Court construes to be a Motion for Relief from Judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. Under Rule 60(b), a district court may relieve a party from final judgment on the basis of (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud, misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; or (6) any

other reason justifying relief from the operation of the judgment." FED. R. CIV. P. 60(b).

In the present motion, plaintiff submits only an application to proceed *in forma pauperis*, with a note stating, "Is it too late to file a lawsuit or not[?]" (Docket Entry No.5). Without showing good cause or excusable neglect for his failure to comply with the Court's orders and without full compliance of the orders, plaintiff fails to show his entitlement to relief under Rule 60(b) of the Federal Rules of Civil Procedure. Accordingly, the Court DENIES plaintiff's Motion for Relief from Judgment pursuant to Rule 60(b) and his application to proceed as a pauper. (Docket Entry No.5).

The Clerk will provide copies of this Order to the parties.

SIGNED at Houston, Texas, on March 8, 2006.

  
EWIN<sup>W</sup> WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE